

## **REMARKS**

Applicant, by the amendments presented above and the arguments presented below, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1-38 are currently pending. Claims 37 and 38 are newly added. Claims 1-31 have been allowed.

### ***Allowable Subject Matter***

The Examiner indicated that claims 1-31 were allowed.

The Examiner also indicated that claims 35 and 36 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant has not amended claims 35 and 36, leaving them dependent on independent claim 32, but has added new claim 37 which combines the limitations of independent claim 32 and dependent claim 35, and new claim 38 which combines the limitations of independent claim 32 and dependent claim 36. Thus, Applicant respectfully requests reconsideration and allowance of new claims 37 and 38.

### ***Claim Rejections - 35 U.S.C. §102***

Claims 32-34 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3,683,499 to Robinson. Applicant respectfully traverses the rejection of claims 32-34.

While Robinson appears to disclose "a punch for cutting a hole in a work piece comprising a punch body having an axial bore 35, a first and second piercing portions 33a

and 33b and a first and a second cutting portions 32”, Robinson does **not** disclose or suggest the further structural limitations of the first and second piercing portions which are required in claim 32. Namely, the first piercing portion of claim 32 has first and second surfaces which meet to form a point, where the first surface slopes downwardly from the point toward the axial bore and toward the first cutting portion, and where the second surface extends axially downwardly to the second cutting portion. Likewise, the second piercing portion of claim 32 has first and second surfaces which meet to form a point, where the first surface slopes downwardly from the point toward the axial bore and toward the second cutting portion, and where the second surface extends axially downwardly to the first cutting portion.

Robinson, on the other hand, appears to have a first piercing portion 33a having three surfaces which meet to form a point, but two of these surfaces are the cutting portions 32 such that the surfaces cannot, as required by claim 32, either slope downwardly toward the first cutting portion or extend axially downwardly to the second cutting portion. Further, none of the surfaces which meet to form the point extend *axially downwardly* to one of the cutting portions as none of the surfaces of the punch body appear to extend *axially downwardly*. The same arguments hold true with regard to the second piercing portion 33b of Robinson.

As such, Applicant contends that Robinson does not disclose or suggest the structural limitations of the first and second piercing portions, which are required by independent claim 32. Therefore, Applicant respectfully requests reconsideration and allowance of independent claim 32.

As Applicant is of the opinion that independent claim 32 is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 33-36 which ultimately depend therefrom.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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